

## THE CITY OF CLAYTON

Board of Aldermen Meeting  
Council Chambers - 10 N. Bemiston Avenue  
October 25, 2011  
7:00 p.m.

### Minutes

Mayor Goldstein called the meeting to order and requested a roll call. The following individuals were in attendance:

Aldermen: Judy Goodman, Michelle Harris, Andrea Maddox-Dallas, Cynthia Garnholz and Mark Winings

Mayor Goldstein  
City Manager Owens  
City Attorney O'Keefe

Absent: Steve Lichtenfeld

Mayor Goldstein asked for any questions or comments relating to the October 11, 2011 minutes, which were previously provided to the Board.

Mayor Goldstein noted a correction to the minutes on the first page that stated "*Mayor Goldstein asked for any questions or comments relating to the September 27, 2011 minutes*" should read "*Mayor Pro Tempore Goodman....*"

**Alderman Harris moved to approve the October 11, 2011 minutes as corrected. Alderman Maddox-Dallas seconded the motion.**

**The motion passed unanimously on a voice vote.**

### **PUBLIC REQUESTS AND PETITIONS**

None

A PUBLIC HEARING AND RESOLUTION TO CONSIDER APPROVING A CONDITIONAL USE PERMIT FOR CRUSHED RED - URBAN BAKE AND CHOP SHOP LOCATED AT 8007 MARYLAND AVENUE

**Alderman Goodman moved that the Board open the public hearing with regard to Resolution No. 11-41, a request for a Conditional Use Permit for On the Rocks Restaurant, LLC located at 8007 Maryland Avenue and request proof of publication. Alderman Harris seconded.**

**The motion passed unanimously on a voice vote.**

City Manager Owens reported this is a public hearing and resolution to consider approving a Conditional Use Permit for the operation of a restaurant located in the stand-alone building previously occupied by Blick Art Materials.

Chris LaRocca, restaurant owner, is requesting a Conditional Use Permit to operate a restaurant to be named Crushed Red – Urban Bake and Chop Shop. The 3,300 square foot restaurant will feature specialty pizzas and salads. The first floor dining room will be 2,800 square feet and will accommodate 84 patrons. The second floor will be 500 square feet and will be used for office space, employee restrooms and storage.

The proposed hours of operation are 6:30 a.m. to 9 p.m. Sunday through Thursday and 6:30 a.m. to 10 p.m., Friday and Saturday and the restaurant will offer delivery service.

Based on the floor area, a minimum of two (2) parking spaces are required per the Zoning Regulations; however, seventeen (17) spaces will be provided on-site, including one for the delivery vehicle. Outdoor dining is not being requested at this time. Deliveries to the restaurant will be made through the rear door.

The Plan Commission considered the request for the Conditional Use Permit at its October 3, 2011 meeting and voted unanimously to recommend approval to the Board of Aldermen.

The Architectural Review Board considered the proposed exterior alterations, to include re-painting the building, a new entry door, new awnings, new landscaping and identification signage at its October 3, 2011 meeting and voted unanimously to approve.

Recommendation is to approve a Conditional Use Permit for the operation of Crushed Red – Urban Bake and Chop Shop at 8007 Maryland Avenue.

In response to the Board's questions, Mr. Chris LaRocca, owner, stated that the building is the former Dick Blick building. He said that they are providing adequate parking spaces (17) for patrons and have made arrangements to use First Bank's parking lot during the evening hours for possible overflow. He said that the building has a second floor, but it will be used for employees only. They will have an enclosed area in the back of the building for trash and they will also put in a very nice landscape design.

In response to Alderman Winings' question, Mr. LaRocca said that he anticipates opening around February 1, 2012 and that the restaurant will also serve breakfast that will include french toast casseroles and flat bread sandwiches.

Alderman Goodman commented that she is glad to see that they have Sunday hours because many of the restaurants are not open on Sundays.

In response to Alderman Garnholz's question, Mr. LaRocca explained that the menu is "fast casual" dining and that patrons would go down the counter and custom select pizza toppings and salad ingredients. He said that the pizzas would then be prepared, cooked and finished within 90 seconds due to a state-of-the-art cooking oven. He added that they will also have wine and craft beers available.

**Alderman Goodman moved that the Board open the public hearing with regard to Resolution No. 11-41, a request for a Conditional Use Permit for On the Rocks Restaurant, LLC located at 8007 Maryland Avenue. Alderman Harris seconded.**

**The motion passed unanimously on a voice vote.**

**Alderman Goodman moved that the Board approve Resolution No. 11-41, and grant a Conditional Use Permit to On the Rocks Restaurant. Alderman Harris seconded.**

**The motion passed unanimously on a voice vote.**

**AN ORDINANCE AUTHORIZING AND DIRECTING THE ISSUANCE, SALE AND DELIVERY OF SPECIAL OBLIGATION BONDS SERIES 2011 – FIRST READING**

City Manager Owens reported that at the September 27, 2011, Board of Aldermen meeting, the Board approved a resolution that formally authorized the City to take such action as may be necessary to carry out the offering for sale of 2011 special obligation bonds. The City intends to issue special obligation bonds to complete the renovation of the Clayton Police Department in FY2012, and other capital projects for Parks and Recreation and Public Works in FY2012 and 2013. The Parks and Public Works projects include the tennis center court rebuild, the walking trail and Hanley House improvements as well as streetscape, traffic signal improvements, Wydown resurfacing, and other smaller projects. The amount of bonds to be issued is approximately \$10,000,000. The series of bonds were competitively bid. The bonds will be repaid from an annual appropriation within the approved budget and has no property tax impact.

The Board has received a copy of the ordinance and supporting exhibits which are standard to any bond sale. Incorporated as part of the ordinance are Exhibit A – Form of the Bond, Exhibit B – Preliminary Official Statement, and Exhibit C – Form of Continuing Disclosure Agreement.

The blanks in the ordinance will be filled in for the final reading after the opening of bids for the bonds on the morning of November 8, 2011 and be presented to the Board at the regular meeting scheduled for the same evening. Recommendation is to approve the first reading of the ordinance.

**Alderman Goodman introduced Bill No. 6286, an ordinance authorizing and directing the issuance, sale and delivery of Special Obligation Bonds, Series 2011, of the City Of Clayton, Missouri; prescribing the form and details of the bonds; and authorizing certain other documents and actions in connection therewith to be read for the first time by title only. Alderman Harris seconded.**

Alderman Goodman thanked the City Manager and staff stating that there were some good questions raised and staff provided the answers.

**City Attorney O’Keefe reads Bill No. 6286, an ordinance authorizing and directing the issuance, sale and delivery of Special Obligation Bonds, Series 2011, of the City Of Clayton, Missouri; prescribing the form and details of the bonds; and authorizing certain other documents and actions in connection therewith for the first time by title only.**

**The motion passed unanimously on a voice vote.**

**AN ORDINANCE TO AMEND SECTION 115.060 OF THE CLAYTON CITY CODE TO REQUIRE ADDITIONAL NOTICE OF CERTAIN MEETINGS**

City Manager Owens reported that the Missouri State Statute, Section 610.020, RSMo. 2000, provides that notices for public meetings shall be posted a minimum of 24 hours in advance, excluding weekends, on a designated bulletin board or other prominent place which is readily

accessible to the public and clearly designated for that purpose at the principal office of the body holding the meeting or at the building in which the meeting is to be held.

Missouri State Statute, Section 67.2725, RSMo. Supp. 2010 states that a four day notice is required for public meetings of the Board of Aldermen on tax increases, eminent domain, creation of certain districts, and certain redevelopment plans.

Since Section 67.2725 is outside of the State's Sunshine Law provisions and because the City's policy has been to import to our Code State laws which govern how we are to exercise the City's authority so that City personnel can generally look just to our own Code for guidance in such matters, staff suggests incorporating the new additional notice requirements into the City Code.

Recommendation is to approve the amendment to the ordinance to conform to the current State Statutes.

**Alderman Goodman introduced Bill No. 6287, an ordinance amending Section 115.060 of the Clayton City Code to Require Additional Notice of Certain Public Meetings to be read for the first time by title only. Alderman Harris seconded.**

In response to Alderman Maddox-Dallas' question, City Manager Owens explained that notices for specific public meetings are required to be posted four days in advance of the public meeting.

**City Attorney O'Keefe reads Bill No. 6287, an ordinance amending Section 115.060 of the Clayton City Code to Require Additional Notice of Certain Public Meetings for the first time by title only.**

**The motion passed unanimously on a voice vote.**

**Alderman Goodman introduced Bill No. 6287, an ordinance amending Section 115.060 of the Clayton City Code to Require Additional Notice of Certain Public Meetings to be read for the second time by title only. Alderman Harris seconded.**

**City Attorney O'Keefe reads Bill No. 6287 for the second time; Alderman Goodman – Aye; Alderman Harris – Aye; Alderman Maddox-Dallas – Aye; Alderman Garnholz – Aye; Alderman Winings – Aye; and Mayor Goldstein – Aye. The Bill was adopted and became Ordinance No. 6169 of the City of Clayton.**

**A RESOLUTION APPROVING A CONTRACT WITH JOHN KALICAK CONSTRUCTION, INC. FOR THE HANLEY PARK PAVILION PROJECT**

City Manager Owens reported that on September 14, 2011, the City of Clayton received three bids for the construction of the Hanley Park Pavilion project. All three bids were significantly over the budget of \$221,955 that had been established for this project. As a result, an addendum with reductions in the project scope was issued to the three bidders who were asked to resubmit bids based upon the revised scope by October 11, 2011. Two sealed bids for the revised project were received and John Kalicak Construction Inc. submitted the lowest bid of \$253,413.

The scope of work is the construction of an 860 square foot park pavilion to include restrooms, storage, and an open covered pavilion area. The associated site work includes new handicap accessible sidewalks to both the Historic Martin Franklin Hanley House and the proposed pavilion. The project is scheduled to be completed by March 1, 2012.

The Capital Fund has \$221,955 budgeted for this project. The Department of Parks and Recreation is requesting approval of the contract for \$253,413 with a \$12,671 contingency (5% of the project cost). While this exceeds the budget estimation, staff believes that this project is important to complete and that additional reductions in the scope of the project should not be made. As previously reported the majority of the project is being funded through a \$184,000 St. Louis County Municipal Grant which was awarded to the city in 2010 and as a requirement of the grant the project needs to be completed by Spring of 2012.

Recommendation is to approve the resolution authorizing a contract with John Kalicak Construction, Inc. in the amount of \$253,413.00, plus a contingency of \$12,671 for the Hanley Park Pavilion Project.

**Alderman Goodman moved to approve Resolution No. 11-42, approving a contract with John Kalicak Construction, Inc. for the Hanley Park Pavilion project. Alderman Harris seconded.**

In response to Alderman Goodman's question, Patty DeForrest explained that the Parks staff will be helping in the project to reduce some of the costs.

**The motion passed unanimously on a voice vote.**

#### A RESOLUTION AUTHORIZING AN EXTENSION OF DEPOSITORY BANKING SERVICES

City Manager Owens reported that the City's current banking agreement is with Pulaski Bank and expires October 31, 2011. The expiring agreement began November 1, 2007 for three years and in 2010 the City exercised the option to extend the agreement for one year. The Pulaski Bank agreement provides for online banking, parking meter coin processing, positive pay fraud detection, with City funds being 100% collateralized. The expiring agreement with Pulaski had no cost for the services to the City for the past four years. However, the economic environment is different than four years ago.

Pulaski Bank is offering a six (6) month extension of existing services at a net cost of approximately \$3,200 in service fees each month with the option to extend an additional six (6) months, if required, at a cost not to exceed \$40,000. This amount would be an adjustment to be included in the FY2012 first quarter budget adjustments.

It is the staff's intent to prepare a Request for Proposal for banking services in the next months to determine the best provider for banking services, but, in the meantime, to accept Pulaski's offer for an extension at the rates referenced above. Staff recommends approval of the Resolution.

In response to Alderman Harris' question, City Manager Owens explained that costs associated with coin processing alone are expensive, about \$26,000 per year, and at that time financial institutions were actively pursuing commercial deposits therefore, Pulaski Bank has been absorbing those costs since the initial agreement in 2007.

**Alderman Goodman moved to approve Resolution No. 11-43, authorizing the extension agreement for depository banking services. Alderman Harris seconded.**

**The motion passed unanimously on a voice vote.**

Other

Mayor Goldstein recognized two of the Mayor's Youth Advisory Committee members in the audience, Noah Eby, and Jonathan Shumway, both seniors at Clayton High School.

Mayor Goldstein thanked Gary Carter, Judy Kekich and Darren Young for the successful Women's Business Leaders' event. She noted that approximately 40 people were in attendance and she received great feedback from several people.

City Manager Owens presented a plaque to the City from ICMA recognizing the City for its top scores in performance measurements.

There being no further business, the meeting adjourned at 7:28 p.m.

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Mayor

ATTEST:

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City Clerk